

24819. Misbranding of cottonseed cake and meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$64 and costs. (F. & D. no. 33865. Sample nos. 57534-A, 57535-A, 57536-A, 57538-A, 57542-A, 57543-A, 57548-A, 57549-A, 63707-A.)

This case was based on various shipments of cottonseed cake and meal, portions of which were short weight and the remainder of which was deficient in protein.

On February 6, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Lawton, Hobart, and Altus, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended between the dates of October 28, 1933, and January 19, 1934, from the State of Oklahoma into the State of Kansas of quantities of cottonseed cake and meal which were misbranded.

The articles were labeled, variously: "Chickasha Cotton Oil Co. Chickasha, Oklahoma Manufacturers of Cotton Seed Products General Office:—Chickasha, Oklahoma Weight 100 Pounds Net"; "100 Pounds Net Chickasha Prime 43% Protein Cottonseed Cake or Meal * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Okla."; "Chickasha Quality 43% Protein Cottonseed Cake or Meal * * * Protein, not less than 43% * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Okla."; "Weight 100 Pounds Net Chickasha Prime Cottonseed Cake or Meal * * * Altus Cotton Oil Mill, Altus, Okla."

The information charged misbranding of certain shipments of the articles in that the statements "Weight 100 Pounds Net" or "100 Pounds Net", borne on the tags, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks examined from the said shipments contained less than 100 pounds of the article. Misbranding of the products in the said shipments was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect. Misbranding was alleged with respect to the products in the remaining shipments for the reason that the statements, "43% Protein" and "Guaranteed Analysis Protein, not less than 43%", borne on the tags, were false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser since they contained less than 43 percent of protein.

On July 17, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$64 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24820. Misbranding of cottonseed cake. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 33868. Sample no. 65704-A.)

This case was based on an interstate shipment of cottonseed cake which was short weight.

On January 28, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 14, 1933, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Weight 100 Pounds Net. Chickasha Quality Cottonseed Cake or Meal."

The article was alleged to be misbranded in that the statement, "Weight 100 Pounds Net", borne on the tag, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks examined contained less than 100 pounds of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On June 3, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*